

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAMON KEITH CLARK, JR.,)	
)	CASE NO. 4:10cv1264
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
STATE OF OHIO,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u> [Regarding ECF No. 11]

On April 30, 2012 Magistrate Judge George L. Limbert issued a Report and Recommendation recommending that Petitioner's petition for a writ of habeas corpus pursuant to [28 U.S.C. § 2254](#) be dismissed with prejudice. [ECF No. 11](#).

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn, 474 U.S. 140, 145 \(1985\)](#); [United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Absent objection, a district court may adopt a magistrate judges report without review. *See Thomas, 474 U.S. at 149*.

In the instant case, Objections to the Report and Recommendation were due by May 14, 2012. Petitioner has not filed an Objection. The Court finds that the Report and Recommendation is supported by the record, and agrees with the Magistrate Judge's recommendation.

(4:10cv1264)

Accordingly, the Court adopts the Magistrate Judge's Report and Recommendation. [ECF No. 11](#). The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

October 2, 2012
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge